

REMARKS

In the Office Action dated May 8, 2009, claims 2 and 10-14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Nokita in view of Lemelson et al.

Applicants note with appreciation the telephone interview courteously afforded the undersigned representative of the Applicants on July 9, 2009, wherein this rejection was discussed. The following is a summary of the topics discussed in the telephone interview.

At the bottom of page 5 of the Office Action, the Examiner apparently acknowledged that it may be questionable whether the Nokita reference discloses a specific teaching of initially maintaining all of the display area unchanged and visually unobstructed, when switching between the manual mode and the programmed mode. The Examiner is apparently relying on the Lemelson et al. reference as a “back-up” on that issue.

Applicants do disagree that the Nokita reference provides such a teaching. From Figures 8A and 8B of Nokita, it is clear that a number of parameters 835 (72 kV, 170 mA, 50 msec, 120 cm) are shown. In Figure 8C of Nokita, however, only 72 kV remains (at least partially) visible.

Therefore, Applicants submit that the Nokita reference does not disclose “maintaining *all* of said display area unchanged and visually unobstructed” as required in claim 10.

The Examiner has maintained the position that a resizing of the window in the foreground of Figure 8C would render all of the display area visible. Such a resizing was state of the art at the time of the present application, as disclosed in Lemelson

et al. The Examiner uses this information as a basis for combining Nokita and Lemelson et al.

Applicants submit that the Nokita reference teaches away from employing such a resizing of the foreground window of Figure 8C. This is for the following reasons.

The aforementioned parameters 835 shown in Figures 8A and 8B are shown in Figure 8C at a different location, which is approximately in the center of the foreground window. If the window were resized according to the Examiner's suggestion, the set of parameters would be shown twice. Since it would be redundant to show the parameters a second time, this would not be a modification that a person of ordinary skill in the art would consider reasonable. Moreover, such a redundant display of the parameters would be confusing and detract from the user-friendliness of the display. A user does not expect information to be shown twice without any logical reason. Moreover, the user would not expect a background window to provide relevant information, because the user knows that the size of display windows is changeable, and is therefore unlikely to pay much attention or attach importance to information shown in the background window. In addition to the redundancy, these factors would dissuade a person of ordinary skill in the art from undertaking the type of resizing proposed by the Examiner.

Additionally, resizing of the foreground window would cause additional information from the background window to be displayed that does not have significance in the current mode. This is because windows generally assume an oblong shape, and a resizing such that the entirety of the parameters 835 are still visible in the mode of Figure 8C would unavoidably result in additional information

being shown from the background window that are not useful or needed in the current mode, and this would further detract from the user-friendliness. Those of ordinary skill in the field of designing computer displays operate on the premise that only relevant information should be shown at any given time. If the resizing were to reduce the height of the window, a setting key field (at the right side of Figures 8A and 8B) may even be visible in the mode of Figure 8C. This is also counter to the basis of the subject matter disclosed and claimed in the present application, which is for the purpose of providing a visually clear separation between setting keys and selection keys.

For these reasons, Applicants respectfully submit that the resizing proposed by the Examiner has occurred to the Examiner only as a way to “force” the Nokita/Lemelson et al. combination to allegedly conform to the subject matter of claim 10. It is not a practical or reasonable modification that would be considered by a person of ordinary skill in the art.

Taking the above arguments into consideration, it was agreed in the telephone interview that amending independent claim 10 to indicate that the value displayed in the display area, when switching between the manual mode and the programmed mode, is displayed only once and only at one location, i.e., in the display area. It was agreed in the telephone interview that even with the resizing proposed by the Examiner in order to modify the operation of the Nokita reference, the respective values would be displayed twice, and at two different locations.

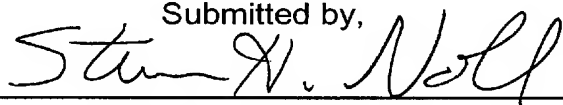
It was agreed that if this change was made in claim 1, the current formulation of the rejection based on Nokita in view of Lemelson et al would not be maintained.

The Examiner also stated in the telephone interview that amending claim 10 in this manner would raise a new issue requiring further searching or consideration, and thus could not be done at this stage of prosecution, after the final rejection. The Examiner stated it would be necessary to file an RCE in order to have such an Amendment entered and considered.

Accordingly, the present Amendment is accompanied by the filing of an RCE, and entry and consideration of this Amendment are therefore respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required, or to credit any overpayment to account No. 501519.

Submitted by,

 (Reg. 28,982)

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